

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

| | | |
|---------------------------|---|---------------------|
| UNITED STATES OF AMERICA, | : | CRIMINAL ACTION NO. |
| Plaintiff, | : | 2:14-cr-00240 |
| -vs- | : | |
| JOSHUA MARK TAYLOR, | : | |
| Defendant. | : | |

PLEA HEARING
BEFORE THE HONORABLE JOHN T. COPENHAVER, JR.,
UNITED STATES DISTRICT JUDGE
JUNE 23, 2015

APPEARANCES:

FOR THE PLAINTIFF:

AUSA LISA G. JOHNSTON

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FOR THE DEFENDANT:

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Proceedings recorded by mechanical stenography,
transcript produced by computer.

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Federal Official Court Reporter
300 Virginia Street, East, Room 6009
Charleston, WV 25301

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1 P-R-O-C-E-E-D-I-N-G-S 1:40 p.m.

2 THE CLERK: All rise.

3 THE COURT: Good afternoon. Please be seated.

4 THE CLERK: The case before the Court is the

5 *United States of America versus Joshua Mark Taylor,*

6 Criminal Number 2:14-00240.

7 Would counsel note their appearances for the record,
8 please.

9 MS. JOHNSTON: Lisa Johnston on behalf of the
10 United States, Your Honor. Seated to my left is Sergeant
11 Horrocks and Sergeant Eldridge of the West Virginia State
12 Police.

13 THE COURT: Thank you.

14 MR. JOHNSON: Rhett H. Johnson on behalf of Mr.
15 Taylor.

16 THE COURT: Thank you.

17 And, Ms. Johnston, the purpose of the hearing?

18 MS. JOHNSTON: Your Honor, it's my understanding
19 that the defendant in this case has agreed to plea to Count
20 Two of the indictment which is pending against him.

21 THE COURT: And that's pursuant to a plea
22 agreement?

23 MS. JOHNSTON: It is, Your Honor.

24 THE COURT: Thank you.

25 And is that your understanding, as well, Mr. Johnson?

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1 MR. JOHNSON: Yes, Your Honor.

2 THE CLERK: Will the defendant please stand to be
3 sworn and raise your right hand.

4 **JOSHUA MARK TAYLOR, DEFENDANT, SWORN**
5 **EXAMINATION**

6 **BY THE COURT:**

7 **Q.** Mr. Taylor, state your full name, please.

8 **A.** Joshua Mark Taylor.

9 **Q.** And what city or town do you live in?

10 **A.** Weirton, West Virginia.

11 **Q.** And how old are you?

12 **A.** 31.

13 **Q.** What's the extent of your education?

14 **A.** I have a bachelor's degree in physical education and
15 health education, and three years towards a master's degree
16 in education.

17 **Q.** And what institutions did you attend?

18 **A.** West Virginia University and Ashford University.

19 **Q.** And so it's fair to say that you read, and read well?

20 **A.** Yes, sir.

21 **Q.** Write and write well?

22 **A.** Yes, sir, I do.

23 **Q.** And were you able to read and understand both the
24 indictment and the plea agreement in your case?

25 **A.** Yes, Your Honor.

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1 **Q.** Have you at any time in the last few years been under
2 the treatment of a physician or anyone for a serious
3 physical illness or ailment?

4 **A.** No, sir.

5 **Q.** Have you ever had occasion to consult or to be under
6 the treatment of a psychiatrist, physician, counselor,
7 psychologist or anyone for a mental illness or emotional
8 disorder?

9 **A.** Yes, sir.

10 **Q.** Tell me about that.

11 **A.** Yes, sir. I have been diagnosed with anxiety and
12 depression.

13 **Q.** When was that diagnosis first made?

14 **A.** 2007.

15 **Q.** And are you under treatment now?

16 **A.** I am, sir.

17 **Q.** And so have you been under treatment for anxiety and
18 depression from 2007 until now?

19 **A.** Yes.

20 **Q.** Do you take medication for that condition?

21 **A.** Yes, Your Honor.

22 **Q.** And what is that?

23 **A.** It is --

24 **Q.** That is, what are you taking now?

25 **A.** Buspar and Celexa.

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1 **Q.** And those medications are prescribed by whom?

2 **A.** Doctor -- right now, the doctor at the jail, sir.

3 Before that, Dr. Tomiya [phonetic] in Follansbee, West
4 Virginia.

5 **Q.** And is he the one who was treating you for anxiety and
6 depression?

7 **A.** Yes, sir.

8 **Q.** And you believe you were taking drugs similar to those
9 that you're now prescribed at the jail; is that correct?

10 **A.** Yes, sir.

11 **Q.** During the past 48 hours, except for the medication
12 that you've just stated, have you had any sedatives,
13 medication, drugs, or alcohol?

14 **A.** No, Your Honor.

15 **Q.** That is, drugs of any kind?

16 **A.** No, sir.

17 **Q.** And during the past week, have you taken the prescribed
18 dosage of medications for your anxiety and depression that
19 you've told me about in the dosage prescribed by your
20 physician, no more, no less? Is that correct?

21 **A.** Yes, sir, it is.

22 **Q.** Now then, the Court understands that you propose to
23 enter a plea today to Count Two. It's rather brief, and I'm
24 going to read it to you.

25 In that count, it's charged that on or about December

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1 14, 2013, at or near Oak Hill in Fayette county, West
2 Virginia, in the Southern District of West Virginia, and
3 elsewhere, you the defendant, Joshua Mark Taylor, did
4 knowingly receive child pornography, as defined in Title 18,
5 United States Code, Section 2256(8)(A), that is, a visual
6 depiction of a minor, whose identity is known to the grand
7 jury, that had been shipped and transported in and affecting
8 interstate and foreign commerce by any means, including by
9 Internet and cellular phone.

10 Do you understand all that?

11 **A.** Yes, sir, I do.

12 **Q.** And that is charged to be in violation of Title 18,
13 United States Code, Sections 2252A(a)(2) and 2252A(b)(1).

14 Do you understand that?

15 **A.** Yes, I do.

16 **Q.** Now then, let me note to you that if you went to trial
17 on Count Two, instead of proceeding with what I understand
18 is your plea agreement, and perhaps a not guilty plea --
19 that is, a guilty plea to Count Two here today pursuant to
20 that plea agreement -- it would be necessary that the
21 government prove to the satisfaction of this Court and a
22 jury the following essential elements of the offense charged
23 in Count Two.

24 And I'm going to make reference to some terms in those
25 elements, one of which is "child pornography." And by

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1 "child pornography," it is meant any visual depiction,
2 including any photograph, film, video, picture or computer,
3 or computer-generated image or picture, whether made or
4 produced by electronic, mechanical, or other means, of
5 sexually explicit conduct, where, the production of such
6 visual depiction involves the use of a minor engaged in
7 sexually explicit conduct.

8 Do you understand that definition?

9 **A.** I do, Your Honor.

10 **Q.** I'm also going to refer to the term "minor." Although
11 it's rather self-explained in the indictment in Count Two
12 any way, but "minor" means any person under the age of the
13 18 years.

14 Do you understand that, do you?

15 **A.** Yes, I do.

16 **Q.** And then lastly, I'm going to be referring to sexually
17 explicit conduct. And by sexually explicit conduct, that
18 for purposes of the Count Two means actual or simulated
19 lascivious exhibition of the genitals or pubic area of any
20 person.

21 Do you understand that as well?

22 **A.** I do understand.

23 **Q.** Now, those definitions in line, the three essential
24 elements of the offense to which you're proposing to plead
25 guilty in Count Two are as follows:

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1 One, that on or about December 14, 2013, at or near Oak
2 Hill, in Fayette County, West Virginia, you received child
3 pornography, as I've just defined it for you, that is, a
4 visual depiction of a minor, whose identity is known to the
5 grand jury, under the age of 18 years, engaged in sexually
6 explicit conduct.

7 Do you understand the first element?

8 **A.** Yes, I do.

9 **Q.** Secondly, that the visual depiction had been shipped
10 and transported in and affecting interstate and foreign
11 commerce by any means, including by Internet, cellular
12 phone.

13 Do you understand that also?

14 **A.** Yes, I do.

15 **Q.** And lastly, that you did so knowingly and
16 intentionally.

17 Do you understand that also?

18 **A.** I do, Your Honor.

19 **Q.** Now then, have you discussed thoroughly the charges
20 contained in the indictment and, in particular, Count Two
21 with your attorney, Mr. Johnson?

22 **A.** Pardon?

23 **Q.** Have you discussed the charges with your attorney, Mr.
24 Johnson, that are set forth in this indictment?

25 **A.** Yes, I have.

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1 **Q.** Particularly, Count Two?

2 **A.** Yes, I have.

3 **Q.** Did you tell him all the facts?

4 **A.** I did.

5 **Q.** Has he counseled and advised you as to the nature of
6 the offense with which you're charged in Count Two?

7 **A.** Yes, sir, he has.

8 **Q.** Insofar as you can tell, has he also counseled and
9 advised you as to all possible defenses that you may have to
10 those charges?

11 **A.** Absolutely, Your Honor.

12 **Q.** Do you fully understand then that which is charged in
13 Count Two?

14 **A.** I do.

15 **Q.** Are you ready to enter a plea to that charge?

16 **A.** Yes.

17 THE COURT: The Court understands that a plea
18 agreement has been entered into, and I'll ask, Ms. Johnston,
19 if you have that agreement, if I might see it, please?

20 MS. JOHNSTON: I do, Your Honor. May I approach?

21 THE COURT: Please.

22 BY THE COURT:

23 **Q.** Mr. Taylor, I have before me what appears to be a
24 ten-page written plea agreement in letter form. It's dated
25 April 21, 2015, and it's addressed to your attorney, Mr.

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1 Johnson. It's from the United States Attorney and signed on
2 his behalf by Ms. Johnston, as Assistant United States
3 Attorney. And there's a three-page Stipulation of Facts
4 attached to it.

5 Is that the plea agreement that you read?

6 **A.** Yes, it is.

7 Q. Do you believe you understand everything in it?

8 | A. I do.

9 Q. And anything about it that you don't understand?

10 **A.** No, sir.

11 Q. Now, notwithstanding your telling me that, I'm going to
12 go over this agreement with you paragraph-by-paragraph, and
13 if, as I do, if there's anything about a particular
14 paragraph or the agreement itself, for that matter, that you
15 don't understand, I want you to interrupt me right in the
16 middle of my going over it with you and we'll take it up
17 right then.

18 Do you promise to do that?

19 **A.** I do. I promise.

20 Q. Thank you.

21 THE COURT: And, Mr. Johnson, could you place the
22 original of this agreement before Mr. Taylor?

23 MR. JOHNSON: Yes, Your Honor.

24 BY THE COURT:

25 Q. And, Mr. Taylor, you may be seated as we go through

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1 this.

2 The opening paragraph notes that you and the United
3 States have reached the agreement that follows. And then,
4 paragraph numbered 1 sets forth the pending charges, and
5 that includes Count Two that I've already been over with
6 you, and that includes the other four counts in that
7 indictment.

8 Are you familiar with all that?

9 **A.** Yes, sir.

10 **Q.** Paragraph numbered 2 states that you agree to plead
11 guilty to Count Two, and following sentencing, the United
12 States will move the Court to dismiss the other four counts,
13 as well as the forfeiture provision that's contained in this
14 same indictment.

15 Do you understand that as well?

16 **A.** I do.

17 **Q.** I note to you that the maximum potential penalty for
18 the offense to which you've pled guilty is imprisonment for
19 a period of not less than five years, and up to 20 years; a
20 fine of \$250,000, or twice the gross pecuniary gain or twice
21 the gross pecuniary loss resulting from your conduct,
22 whichever is greater; three, a term of supervised release of
23 not less than five years and as long as life; four, a
24 mandatory Special Assessment of \$100; and five, an order of
25 restitution as set forth there.

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1 Do you understand all that?

2 **A.** Yes, I do.

3 **Q.** I understand that I mistakenly stated that the
4 imprisonment to which you're subject, and it is for a period
5 of not less than five years, and I should add, and it could
6 be as long as 20 years.

7 Do you understand that?

8 **A.** Yes, sir.

9 **Q.** Now, as we all know, this agreement really contains
10 another provision in it, which says that you're agreeing to,
11 along with the government, to imprisonment for a term of 15
12 years.

13 Do you understand that?

14 **A.** Yeah. Yes, I do.

15 **Q.** And so even though I've stated to you that period of
16 not less than five, and as long as 20, if the Court accepts
17 this plea agreement, the Court is bound by that, so are you,
18 so is the government, and that would mean that the sentence
19 would then be 15 years' imprisonment.

20 Do you understand that?

21 **A.** I understand, sir.

22 **Q.** Now then, with respect to the other provisions, I'll
23 come back to those in a moment. The first one of which is
24 the \$100 Special Assessment, and I understand that,
25 according to the next paragraph, is to be paid by you out of

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1 the Inmate Financial Responsibility Program.

2 Paragraph 5 has to do with restitution. And there it's
3 noted that you agree that you owe restitution to the victim
4 in this case for the victim's losses. And you agree to pay
5 that restitution with interest as allowed by law to the full
6 extent financially feasible, and in aid of that restitution,
7 you agree to that which is set forth in (a), (b), (c), (d),
8 and (e) of paragraph 5.

9 And have you read all of those items, and do you
10 understand them?

11 **A.** Yes, sir, I've read it and I understand.

12 **Q.** And the last one is that you agree not to appeal any
13 order of the district court imposing restitution. So you've
14 left that open to the Court --

15 **A.** Yes, sir.

16 **Q.** -- to impose restitution in whatever amount it sees
17 fit.

18 **A.** Yes, sir.

19 **Q.** Do you understand that?

20 **A.** Yes, sir, I understand.

21 **Q.** Now then, the next paragraph on abandonment of property
22 states that you agree to release, relinquish, waive, and
23 abandon to the United States or the state of West Virginia,
24 any and all right, title, and interest you have to the
25 iPhone, the iPod, and the laptop computer that are each

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1 described there.

2 Do you understand that?

3 **A.** Yes, sir.

4 **Q.** And it's further noted that property so abandoned by
5 you will be destroyed or otherwise disposed of by federal,
6 state, or local law enforcement officers according to law.

7 Do you understand that also?

8 **A.** Yes, sir.

9 **Q.** The next paragraph, 7, on payment of monetary
10 penalties, have you read that, and do you understand it?

11 **A.** I do.

12 **Q.** Paragraph 8 on cooperation states that you will be
13 forthright and truthful with the United States Attorney's
14 Office and other law enforcement agencies with regard to all
15 inquiries made pursuant to this agreement, and that you will
16 give signed, sworn statements, and grand jury and trial
17 testimony upon request of the United States.

18 Do you understand that also?

19 **A.** I do.

20 **Q.** The next two paragraphs on use immunity and limitations
21 on immunity; have you been over that thoroughly with Mr.
22 Johnson, and has he explained it to you, and do you
23 understand what's set forth in those two paragraphs?

24 **A.** Yes, he's explained it.

25 **Q.** And you believe you understand it?

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1 **A.** Yes, sir.

2 **Q.** Paragraph 11 refers to the three-page Stipulation of
3 Facts that is attached. Do you understand by Stipulation of
4 Facts is meant agreement of facts?

5 **A.** Yes, sir.

6 **Q.** That means you the United States agree that the facts
7 as stated in that stipulation are true and correct?

8 Do you understand that?

9 **A.** Yes, sir.

10 **Q.** Now, you also understand the Court's not bound by that
11 stipulation, but to the extent those facts have to do with
12 this case, including sentencing, you agree to them as being
13 true and correct?

14 **A.** Yes, sir, I do.

15 THE COURT: And I'm going to ask, if you would, at
16 this time, Ms. Johnston, to read that into the record,
17 although I would like to ask the defendant one further
18 question first.

19 BY THE COURT:

20 **Q.** Mr. Taylor, do you understand everything in that
21 Stipulation of Facts?

22 **A.** I do.

23 **Q.** And anything about it that you don't understand?

24 **A.** No, sir.

25 **Q.** The stipulation is somewhat lengthy, and I want to

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1 mention to you, just as I have earlier, if there's anything
2 about the Stipulation of Facts that you don't understand, I
3 want you to interrupt Ms. Johnston just as she's going over
4 it, and we'll take it up right then.

5 And, Ms. Johnston, would you be good enough to read
6 into the record the Stipulation of Facts?

7 MS. JOHNSTON: Yes, Your Honor.

8 The Stipulation of Facts provide as follows:

9 The United States and Joshua Mark Taylor, Mr. Taylor,
10 stipulate and agree that the facts comprising the offense of
11 conviction, Count Two of the indictment in the Southern
12 District of West Virginia, Criminal Number 2:14-00240 and
13 other criminal conduct, include the following:

14 On or about March 4, 2013, Mr. Taylor was hired by the
15 Fayette County, West Virginia Board of Education to teach
16 during the 2013-2014 school term at Collins Middle School,
17 located in Oak Hill, Fayette County, West Virginia. While
18 teaching at Collins Middle School, beginning in or about
19 November of 2013, and continuing to in or about January of
20 2014, Mr. Taylor engaged in sexual acts with a 12-year-old
21 female, ("the minor"), who was enrolled at Collins Middle
22 School during the 2013-2014 school term. Specifically, Mr.
23 Taylor engaged in sexual intercourse and oral intercourse
24 with the minor when she was in the custody, care or
25 supervisory control of Mr. Taylor.

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1 And it sets forth, Your Honor, the specific guideline
2 sections that are applicable to that conduct. And they are
3 as follows, capital "USSG" --

4 THE COURT: I don't think it's necessary to read
5 that.

6 MS. JOHNSTON: Okay, Your Honor.

7 The next paragraph.

8 Beginning in or about November, 2013, and continuing to
9 in or about January, 2014, Mr. Taylor utilized a cell phone
10 to exchange a large volume of text messages with the minor.
11 Sending text messages via a cell phone or the Internet
12 constitutes using a means and facility of interstate
13 commerce. On or about December 14, 2013, and continuing to
14 on or about December 15, 2013, at or near Oak Hill, Fayette
15 County, West Virginia, within the Southern District of West
16 Virginia, Mr. Taylor knowingly sent very sexually graphic
17 text messages via a cell phone to persuade and entice the
18 minor to engage in sexual activity, for which Mr. Taylor
19 could be charged with a criminal offense in the state of
20 West Virginia; that is, "sexual abuse by a parent, guardian,
21 custodian or a person in position of trust to a child" in
22 violation of the West Virginia Code, Section 61-8D-5.

23 Beginning in or about November 2013, and continuing to
24 in or about January 2014, Mr. Taylor also knowingly
25 persuaded and induced the minor to engage in sexually

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1 explicit conduct for the purpose of producing a video
2 depiction of such conduct. At the time the sexually
3 explicit images were made, the minor was located in Oak
4 Hill, Fayette County, West Virginia. An iPod, which is a
5 facility or means of interstate commerce, was used to
6 produce the sexually explicit images. The images depict the
7 lascivious exhibition of the minor's genital or pubic area.

8 On or about December 14, 2013, at or near Oak Hill,
9 Fayette County, West Virginia, Mr. Taylor knowingly received
10 from the minor, child pornography as defined in 18, U.S.C.,
11 Section 2256(8)(A), that is, a sexually explicit image of
12 the minor. The sexually explicit image depicts the
13 lascivious exhibition of the minor's genital or pubic area.
14 Mr. Taylor received the sexually explicit image of the minor
15 on his cell phone.

16 That's Count Two of the indictment, Your Honor.

17 On or about December --

18 THE COURT: And let me interrupt you, if I might.

19 BY THE COURT:

20 **Q.** Do you understand everything in that Stipulation of
21 Facts down this point?

22 **A.** Yes, sir, I understand.

23 **Q.** Anything about it that you don't understand?

24 **A.** No, sir.

25 THE COURT: Thank you. Please go ahead.

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1 MS. JOHNSTON: On or about December 23rd, 2013, at
2 or near Oak Hill, Fayette County, West Virginia, Mr. Taylor
3 did knowingly distribute or attempt to distribute in
4 interstate commerce, child pornography as defined in Title
5 18, U.S.C., Section 2256(8)(A), that is, a sexually explicit
6 image of the minor. The sexually explicit image depicts the
7 lascivious exhibition of the minor's genital or pubic area.
8 Mr. Taylor used his cell phone to distribute or attempt to
9 distribute the sexually explicit image of the minor.

10 On or about January 19, 2014, Mr. Taylor sent the minor
11 the following text messages intending to obstruct or impede
12 the administration of justice with respect to the
13 investigation or prosecution of the instant case, quote,
14 "I am on the news in Weirton. Delete everything. Just
15 remember we weren't together."

16 That's the entire stipulation, Your Honor. It's signed
17 by Mr. Taylor, his attorney, Mr. Johnson, and myself, on
18 behalf of the United States.

19 THE COURT: Thank you.

20 BY THE COURT:

21 **Q.** Mr. Taylor, do you understand everything in that
22 Stipulation of Facts?

23 **A.** Yes, sir, I understand.

24 **Q.** Anything about it that you don't understand?

25 **A.** No, sir.

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1 **Q.** Let me note to you that if you should withdraw from
2 this plea agreement, or if it is voided because you violate
3 any of its terms, and if you're later then prosecuted on any
4 of the charges in the indictment, that is, Count Two, as
5 well as Counts One, Three, Four and Five, then, during the
6 course of that case, the government may use as evidence
7 against you that to which you've agreed as set forth in the
8 Stipulation of Facts.

9 Do you understand that?

10 **A.** Yes, sir.

11 **Q.** And, more particularly, at a trial in the case, whether
12 before the Court or a jury, as well, the government may
13 introduce as evidence against you that Stipulation of Facts
14 to which you've agreed.

15 Do you understand that as well?

16 **A.** Yes, Your Honor.

17 **Q.** The next paragraph has an agreement upon sentencing
18 guidelines and I want to go over that with you. I'm not
19 sure just how significant it is in view of the agreement of
20 the parties that the sentence in this case should be as to
21 imprisonment 15 years, but I'm going to go over it with you
22 anyway since it's all set out here.

23 First of all, do you understand what's meant by the
24 advisory United States Sentencing Guidelines?

25 **A.** Yes, I do.

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1 **Q.** Those guidelines are drawn based on quite a number of
2 factors, including such things as your role in the offense,
3 your criminal history, whether you've accepted
4 responsibility for your misconduct, whether you've
5 obstructed justice in any way, whether you're a career
6 criminal, whether you make your livelihood from crime, and
7 quite a number of factors. And a number of those other
8 factors are those that are set forth in this paragraph on
9 the agreement that you and the government have reached on
10 the application of the sentencing guidelines in this case.

11 The Court notes that one of the factors that is of
12 particular importance in determining the guideline range in
13 this case, which would normally be a rather narrow range,
14 not in this case, it's 15 years' imprisonment. It may be a
15 range otherwise insofar as fine is concerned. But among the
16 other factors that the Court will be taking into account,
17 and there are quite a few others, is that of relevant
18 conduct; meaning that if you've engaged in other conduct
19 that would constitute the same pattern of conduct or the
20 same course of conduct as that charged in Count Two, then
21 those other instances could be added to that which is set
22 forth in Count Two, and as those instances add up, so, too,
23 do the sentencing guidelines tend to suggest a harsher
24 sentence. But, once again, I get back to the point, that
25 that's more of a consequence with respect to the fine than

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1 anything else.

2 Now then, in going through it, I'll note that you have
3 agreed to various factors that wind up with what we call a
4 Base Offense Level of 32. And when you add all these other
5 enhancements for offense involving a minor between the age
6 of 12 and 16 years, another one for commission of a sexual
7 act or sexual conduct, another for distribution of the
8 images that are referred to as having been produced, and
9 taking into account that the minor is deemed in your
10 custody, care, or supervisory control, and that the offense
11 involved the use of an interactive computer service to
12 persuade the minor to engage in sexually explicit conduct,
13 as well as obstruction of justice, all wind up with an
14 adjusted offense level of 44. That is extremely high. And
15 although it may be that you're entitled to a credit for
16 acceptance of responsibility, that sometimes isn't afforded
17 to one who has already agreed that that individual's engaged
18 in obstruction of justice.

19 But if it is given in its maximum, your total offense
20 level would be 41. And I simply note to you that the
21 highest offense level with respect to the guidelines is at
22 the 43 level. And the Court hastens to add, once again,
23 though, by virtue of the next paragraph, that indicates what
24 the term of imprisonment itself will be if the Court accepts
25 the plea agreement.

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1 So do you wish any further explanation on the
2 sentencing guidelines?

3 **A.** No, sir, I do not.

4 **Q.** The next paragraph, which is an extremely consequential
5 one in this agreement reads as follows:

6 "Pursuant to Rule 11(c)(1)(C) of the Federal Rules of
7 Criminal Procedure, the United States and Mr. Taylor agree
8 that a sentence of imprisonment of 15 years, to be followed
9 by a term of supervised release of 20 years is appropriate.
10 Mr. Taylor understands that this agreement pursuant to Rule
11(c)(1)(C) is not binding on the District Court unless and
12 until the District Court accepts this plea agreement. If
13 the District Court refuses to accept this plea agreement,
14 Mr. Taylor has the right to void this agreement and may
15 withdraw his guilty plea."

16 Do you understand all that?

17 **A.** Yes, sir.

18 **Q.** The next paragraph notes that if the Court sentences
19 you to that term of 15 years' imprisonment, and if the Court
20 imposes a fine that comports with the guideline range that
21 is set forth here in this agreement, that is, within the
22 guidelines, I should say, that you forever waive your right
23 to appeal your sentence.

24 Do you understand that?

25 **A.** I understand.

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1 **Q.** And do you further understand that you're waiving one
2 other very important right under this agreement, as well,
3 and that is -- and I'll note to you, once appellate rights
4 have been exhausted or not used at all, you may have a basis
5 for collaterally attacking your conviction and sentence in
6 this case. You're also waiving that right as well.

7 Do you understand that?

8 **A.** Yes, sir.

9 **Q.** And there's only one exception to all that I've told
10 you, and that applies both to appeal, but, more likely, it
11 would relate to collateral attack, and that is -- and the
12 collateral attack, I should mention to you, is a kind of
13 habeas proceeding, sometimes called a Section 2255 motion --
14 the one exception is for ineffective assistance of counsel.
15 That is the only ground left to you.

16 Do you understand that?

17 **A.** I do.

18 **Q.** Let me ask the parties -- I see it now. And what I did
19 not mention to you was that, just as the sentence of
20 imprisonment must be 15 years if the Court accepts that
21 agreement, so, too, the term of supervised release under the
22 agreement is to be 20 years in length. I think I mentioned
23 to you that it could be -- or must be at least the five
24 years and could be as long as life. This indicates it will
25 be 20 years if the Court accepts this agreement.

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1 Do you understand that?

2 **A.** I understand.

3 **Q.** And so I'm going to come back and talk to you further
4 about supervised release here shortly.

5 Now then, do you understand everything in this
6 agreement down to this point?

7 **A.** Yes, sir, I understand.

8 **Q.** The next paragraph notes that you forever waive your
9 right to receive or request from any department or agency of
10 the United States any records pertaining to the
11 investigation or prosecution of this case.

12 Do you understand that?

13 **A.** Yes, I do.

14 **Q.** This states that you specifically waive that right with
15 respect to the Freedom of Information Act and the Privacy
16 Act of 1974, but you're waiving it on every other ground as
17 well.

18 Do you understand that also?

19 **A.** Yes, sir.

20 **Q.** The next paragraph has to do with the Sex Offender
21 Registration requirement. And it's noted there that you
22 must register as a sex offender and keep the registration
23 current in each of the following jurisdictions:

24 Where you reside, where you're a student, where you're
25 employed. And that is a forever requirement.

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1 Do you understand?

2 **A.** I understand.

3 **Q.** That's for life?

4 **A.** Yes, sir.

5 **Q.** And the Court would ask if you've read the rest of that
6 paragraph, and do you understand it?

7 **A.** I do.

8 **Q.** And do you also understand that if you fail to comply
9 with those terms and conditions that I just noted, that that
10 would subject you to prosecution for failure to register
11 under federal law, and that's punishable by a fine or
12 imprisonment, or both?

13 Do you understand that?

14 **A.** Yes, sir.

15 **Q.** Paragraph 17, labeled "Final Disposition," means
16 sentencing. And there it's noted that the United States
17 reserves the right to inform the Probation Office and the
18 Court of all relevant facts and conduct, respond to
19 questions raised by the Court, present evidence and argument
20 relevant to the factors that are set forth in Title 18,
21 United States Code, Section 3553(a).

22 Those are the factors that the Court looks to in order
23 to determine the factors that one takes into account in
24 arriving at the appropriate sentence in the case. In this
25 case, however, the imprisonment term and supervised release

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1 term are both controlled by agreement between you and the
2 government. And if the Court accepts this plea agreement,
3 then the Court would be required to sentence you to a term
4 of imprisonment of 15 years, and a term of supervised
5 release of 20 years.

6 Do you understand all that?

7 **A.** I do.

8 **Q.** The next paragraph notes that if either you or the
9 United States violate the terms of this agreement, the other
10 party may void it.

11 Do you understand that as well?

12 **A.** Yes, sir.

13 **Q.** And the last paragraph states that this agreement
14 constitutes the entire agreement between you and the United
15 States, that there are no agreements, understandings, or
16 recommendations as to any other pending or future charges
17 against you in any court other than this Court, the United
18 States District Court, for the Southern District of West
19 Virginia.

20 Do you understand that?

21 **A.** Yes, sir.

22 **Q.** It adds as a further provision, and I'll quote it,
23 "Although this written agreement constitutes the entire
24 agreement between the United States and Mr. Taylor in the
25 matter, the United States is aware of the plea agreement

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1 executed by Mr. Taylor in Criminal No. 14-F-242, in the
2 Circuit Court of Fayette County, West Virginia, a copy of
3 which is attached hereto."

4 Do you understand that as well?

5 **A.** I do.

6 THE COURT: Mr. Johnson, would you look at that
7 agreement and see if that's attached?

8 MS. JOHNSTON: Your Honor, I apologize. I have
9 the signed copy now here with me. Mr. Johnson has a copy of
10 it as well.

11 THE COURT: Could you attach it now, please?

12 MS. JOHNSTON: Yes, I can, Your Honor.

13 MR. JOHNSON: Your Honor, would the Court like me
14 to approach with that agreement?

15 THE COURT: Pardon me?

16 MR. JOHNSON: Mr. Taylor has confirmed that is the
17 agreement that he signed in Fayette County.

18 Would the Court like me to approach with a copy?

19 THE COURT: Very good. Thank you.

20 And I understand it is attached now? Correct?

21 MR. JOHNSON: Yes, Your Honor.

22 THE COURT: Paper clip will do it.

23 MR. JOHNSON: Yes, Your Honor.

24 THE COURT: We'll take care of it.

25 MR. JOHNSON: Thank you, Your Honor.

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1 BY THE COURT:

2 **Q.** Mr. Taylor, do you understand everything in this
3 agreement?

4 **A.** Yes, sir.

5 **Q.** Is there anything about it that you don't understand?

6 **A.** No, Your Honor.

7 **Q.** Did you approve of that agreement when it was reached?

8 **A.** Yes, sir.

9 **Q.** And when you signed it?

10 **A.** Yes, sir.

11 **Q.** And do you approve of it now?

12 **A.** I do, Your Honor.

13 **Q.** Is that your signature at the foot of the tenth page of
14 the agreement?

15 **A.** It is, Your Honor.

16 **Q.** And at the foot of the third page of the Stipulation of
17 Facts?

18 **A.** It is, Your Honor.

19 **Q.** And are those your initials at the foot of the other
20 pages of those two items?

21 **A.** Yes, sir.

22 **Q.** Thank you.

23 THE COURT: Mr. Johnson, if you'd hand that
24 agreement to the clerk for filing, please.

25 MR. JOHNSON: Yes, Your Honor.

1 THE COURT: Kelley.

2 (Pause.)

3 BY THE COURT:

4 Q. Mr. Taylor, if you'd stand once again, please.

5 Are you ready to enter a plea to Count Two?

6 **A.** Yes, sir.

7 Q. What is your plea to that count?

8 **A.** Guilty.

9 Q. Before I accept your plea, I want to make certain that
10 you understand a number of things in connection with your
11 plea, the charges against you, and your constitutional
12 rights.

13 First of all, the indictment in this case is only a
14 formal charge which informs you of the offenses with which
15 you're charged and serves to bring you into Court to answer
16 those charges; it is not any evidence whatever of guilt.

17 Do you understand that?

18 **A.** Yes, sir.

19 Q. Do you also understand that you're entitled to the
20 assistance of a lawyer at every stage of these proceedings,
21 including trial, should you wish to go to trial?

22 **A.** Yes, sir.

23 Q. Do you further understand that inasmuch as you're
24 without funds with which to engage an attorney, the federal
25 public defender has been appointed to represent you, and Mr.

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1 Johnson will be available to represent you at every stage of
2 these proceedings, including trial, should you wish to go to
3 trial, without any expense whatever to you?

4 **A.** I understand, Your Honor.

5 **Q.** And the cost of these proceedings will otherwise be
6 entirely at the expense of the United States, as well?

7 **A.** Yes.

8 **Q.** Further understand, if you should instead enter a plea
9 of not guilty, that you have the right to a speedy and
10 public trial by jury, you have the right to be confronted by
11 the government's witnesses and to cross-examine them, you
12 have the right to use the process of this Court to compel
13 witnesses to come in and testify on your behalf, and you're
14 presumed to be innocent of these charges until proven guilty
15 beyond a reasonable doubt.

16 Do you understand that?

17 **A.** I do.

18 **Q.** And by proof beyond a reasonable doubt, I'm referring
19 to those three essential elements that I told you about that
20 constitute the offense in this case as set forth in Count
21 Two. All of those would have to be so proved beyond a
22 reasonable doubt.

23 Do you understand that?

24 **A.** Yes, sir, I understand.

25 **Q.** Do you further understand that if you instead entered a

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1 plea of not guilty and went to trial, at that trial, you're
2 entitled to take the witness stand and testify on your own
3 behalf?

4 Do you understand that?

5 **A.** Yes, sir.

6 **Q.** Do you further understand that if you did go to trial
7 and chose not to testify, that fact would create no
8 inference or presumption of guilt, and the jury would be so
9 instructed, since, as I've already informed you, you're
10 presumed to be innocent of these charges until proven guilty
11 beyond a reasonable doubt.

12 Do you understand that?

13 **A.** Yes, sir, Your Honor.

14 **Q.** Do you further understand that should you plead not
15 guilty, at the trial it would be necessary that the
16 government come forward with witnesses to prove these
17 charges against you beyond a reasonable doubt in order for
18 you to stand convicted of that which is set forth in Count
19 Two?

20 Do you understand that?

21 **A.** Yes, Your Honor.

22 **Q.** And do you further understand that by entering a plea
23 of guilty to Count Two, you waive your right to require the
24 government to prove that charge against you beyond a
25 reasonable doubt, and you waive your constitutional rights

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1 the Court's telling you about?

2 **A.** Yes, Your Honor.

3 **Q.** In particular, you waive your constitutional right
4 against self-incrimination with respect to the offense to
5 which you've pled guilty as set forth in Count Two?

6 Do you understand that?

7 **A.** I understand, sir.

8 **Q.** Further understand, that if the Court accepts your plea
9 of guilty, there will not be a further trial of any kind, so
10 that by pleading guilty, you waive your right to trial,
11 including your right to trial by jury?

12 **A.** Yes, sir.

13 **Q.** You also understand that the Court does intend to
14 question you under oath, on the record, in the presence of
15 your attorney about the offense to which you've pled guilty,
16 and if you fail to answer those questions truthfully, you
17 may later be prosecuted for perjury or false swearing on
18 account of that failure?

19 Do you understand that?

20 **A.** I understand.

21 **Q.** You further understand that under the terms of this
22 plea agreement, as I've told you more times than you
23 probably care to hear already, that you're subject to a term
24 of imprisonment of 15 years, exactly 15 years; and a term of
25 supervised release of 20 years; and a fine of as much as

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1 \$250,000, and it may be greater or less, as I set forth in
2 referring to it in the plea agreement itself; as well as a
3 \$100 Special Assessment; and restitution can be required of
4 you to any victim.

5 Do you understand that, also?

6 **A.** I understand, sir.

7 **Q.** I want to speak to you, in particular, about supervised
8 release. You're subject to a term of supervised release of
9 20 years. And that term of supervised release will be
10 subject to various terms and conditions, some of which may
11 limit your freedom to some limited extent. The Court has a
12 number of general requirements for supervised release on
13 which virtually all defendants are placed. In your case,
14 those terms and conditions are much more stringent. And
15 what I want you to know is that the Court may with respect
16 to your status as a sex offender impose all of the sex
17 offender requirements that are set forth by order of this
18 Court that are called standard conditions and optional
19 conditions, and the Court may in your case impose every one
20 of them.

21 And so what I want to ask you is whether or not you
22 recall having any discussion with Mr. Johnson about what
23 those terms are of the sex offender standard and optional
24 conditions?

25 Are you aware of all of them?

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1 **A.** I'm aware of them, sir.

2 **Q.** All right. And so it may be, as I've indicated to you,
3 that the Court will impose all of those as conditions in
4 this case. We'll make that determination at sentencing.

5 Do you understand that?

6 **A.** Yes, sir.

7 **Q.** Now then, let me note to you that if you violate any of
8 the terms and conditions of your supervised release, the
9 Court may impose a further term of imprisonment beyond that
10 which you've already served for this offense, which could be
11 as long as another two years.

12 Do you understand that?

13 **A.** Yes, sir.

14 **Q.** And the Court may then place you on supervised release
15 again. And the Court could potentially do that over and
16 over and over as long as you're on supervised release.

17 Do you understand that?

18 **A.** I understand, Your Honor.

19 **Q.** And what that would mean is that that term of
20 supervised release that I'm referring to now as being a
21 maximum of 20 years could possibly be extended well beyond
22 that if you violate repetitively those terms and conditions.

23 Do you understand that?

24 **A.** I do, Your Honor.

25 **Q.** Do you also understand that there is one set of

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1 conditions where if there's a violation of the terms of
2 supervised release, the Court would find it mandatory that
3 your supervised release be revoked and that you be sentenced
4 to not less than five years for that violation. And those
5 conditions are all which can be found in the following
6 chapters in the United States Code, the following sections
7 of the United States Code that are under the categories that
8 I will give them to you.

9 Chapter 109A on sexual abuse.

10 Chapter 110 on sexual exploitation and other abuse of
11 children.

12 Chapter 117 on transportation for illegal sexual
13 activity and related crimes.

14 Section 1201 on kidnapping.

15 And Section 1591 on sex trafficking of children or by
16 force, fraud or coercion.

17 If you were to violate any of those statutes, then the
18 supervised release would not only be mandatorily revoked,
19 but you would be sentenced to a further term of imprisonment
20 of at least five years, and it could be far longer.

21 Do you understand all that?

22 **A.** I understand, Your Honor.

23 **Q.** Now then, do you believe you understand then all those
24 factors that go into the matter of supervised release?

25 **A.** Yes, sir.

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1 **Q.** Do you also understand that the Court's not bound by
2 this agreement, but, of course, if the Court doesn't accept
3 it, you may withdraw your plea of guilty?

4 **A.** Yes, sir.

5 **Q.** Mr. Taylor, you have the right to plead not guilty, and
6 if there's any doubt whatever in your mind as to whether
7 you're guilty of the offense charged in Count Two, the Court
8 would urge you to plead not guilty.

9 What is your wish as to Count Two?

10 **A.** To plead guilty, sir.

11 **Q.** Other than your written plea agreement filed and read
12 here today, have you been made any promises of anyone of
13 leniency or light sentence or probation?

14 **A.** No, sir.

15 **Q.** Have you been threatened by anyone in any way, has
16 anyone used any means of intimidation, or coercion, or
17 pressure to induce you to enter a plea against your will?

18 **A.** No, sir.

19 **Q.** Are you satisfied with your attorney, Mr. Johnson, in
20 this case?

21 **A.** Yes, sir.

22 **Q.** Do you feel he's represented you fully and fairly?

23 **A.** I do.

24 **Q.** Has he spent a good deal of time with you developing
25 this case?

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1 **A.** Yes, sir.

2 **Q.** Now, back to your written plea agreement, filed and
3 read here today, is that the entire agreement between you
4 and the United States?

5 **A.** It is, Your Honor.

6 **Q.** Are there any side agreements of any kind?

7 **A.** No.

8 **Q.** Do you then offer to enter a plea of guilty to Count
9 Two of the indictment voluntarily and of your own free will?

10 **A.** Yes, sir.

11 **Q.** Do you do it with the full understanding that you're
12 waiving your constitutional rights the Court's told you
13 about, including your right to a fair and speedy trial by
14 jury?

15 **A.** Yes, sir.

16 **Q.** And you do it, as well, with the full knowledge of the
17 consequences of your plea, including the penalty that the
18 Court must impose of 15 years' imprisonment, and 20 years'
19 supervised release?

20 Do you understand that?

21 **A.** I understand, Your Honor.

22 **Q.** As well as your agreement to abandon the iPhone and
23 iPod and the laptop computer?

24 **A.** Yes, sir.

25 **Q.** And your agreement not to appeal any sum that the Court

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1 imposes as restitution to the victim in this case?

2 **A.** I understand, Your Honor.

3 **Q.** And I would ask you, then, if you also understand that
4 you're subject to registering as a sex offender for life?

5 **A.** Yes, sir.

6 **Q.** The Court would ask you whether or not you waive
7 further reading of Count Two or are you ready to have your
8 plea taken in the case?

9 **A.** I waive further reading, sir.

10 THE COURT: The clerk will take the defendant's
11 plea in writing.

12 THE CLERK: If you would please listen as I read.

13 The *United States of America versus Joshua Mark Taylor*,
14 Criminal Number 2:14-00240.

15 Guilty plea.

16 In the presence of Rhett H. Johnson, my counsel, who
17 has fully explained the charges contained in the indictment
18 against me and, having received a copy of the indictment
19 from the United States Attorney before being called upon to
20 plead, I hereby plead guilty to Count Two of the five-count
21 indictment.

22 MR. JOHNSON: May I approach, Your Honor?

23 THE COURT: Please do.

24 Kelley.

25 (Pause.)

1 MR. JOHNSON: Your Honor, Mr. Taylor has signed
2 the written plea agreement. If I may approach?

3 THE COURT: If you would.

4 The defendant's written plea of guilty to Count Two of
5 the five-count indictment in this case, having been signed
6 by him in the presence of the Court, is received and filed.

7 BY THE COURT:

8 Q. Mr. Taylor, tell me in your own words what it is that
9 you did as more fully charged in Count Two of the indictment
10 in this case?

11 **A.** Your Honor, in 2013, I worked as a teacher at Collins
12 Middle School in Fayette County, West Virginia. And I had a
13 inappropriate relationship, and nude pictures were sent by
14 the victim, GM -- [victim name redacted per the Court] -- to
15 myself.

16 Q. And how old was the victim?

17 **A.** 12 years old.

18 Q. And was she a student in your class?

19 **A.** She was a student, sir, yes.

20 Q. And that occurred, did you say, in the month of
21 December of 2013?

22 **A.** Yes, sir.

23 Q. And what was the visual depiction you had; was it a
24 single image or were there several? Tell me something more
25 about that.

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1 **A.** She sent me several pictures, Your Honor.

2 **Q.** She sent you several pictures?

3 **A.** Yes, sir.

4 **Q.** And that was lascivious exhibition of her genitals or

5 pubic area?

6 **A.** Yes, sir.

7 **Q.** And those were sent to you in what manner? What was

8 the vehicle by which they were sent?

9 **A.** She sent by text message, iMessage onto my iPhone.

10 **Q.** So it came through on your iPhone, through the

11 Internet?

12 **A.** Yes, sir.

13 **Q.** And there were several such pictures of her; is that

14 correct?

15 **A.** That's correct, sir.

16 **Q.** And all the pictures were of her, not somebody else?

17 **A.** That's true, Your Honor.

18 **Q.** And you knew her at the time to be about 12 years of

19 age, I take it?

20 **A.** Yes, sir.

21 **Q.** And when you received those pictures, where were you

22 located?

23 **A.** In Oak Hill, West Virginia, Your Honor.

24 **Q.** Was that in your home?

25 **A.** Yes, sir.

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1 **Q.** And so it was in your home, in Oak Hill, Fayette
2 County, West Virginia?

3 **A.** That's correct.

4 **Q.** Let me ask whether, in particular, you would have been
5 in possession of those images that you've referred to that
6 were sent to you by her, the 12-year-old, on December 14,
7 2013?

8 **A.** Yes, sir.

9 **Q.** And so would you have received those images on that
10 date as well?

11 **A.** Yes. Yes, sir.

12 THE COURT: And let me ask whether, Mr. Johnson,
13 the defendant has any further basis that he wishes to add
14 for the factual basis for the plea?

15 MR. JOHNSON: No, Your Honor.

16 THE COURT: And does the government?

17 MS. JOHNSTON: No, Your Honor, but we do have a
18 copy of the images. They are really -- in this case, there
19 are a total of six sexually explicit images. And I have
20 those for the Court. And I'd ask that they be filed under
21 seal.

22 THE COURT: Thank you.

23 Is it agreed that those six images that Ms. Johnston is
24 about to hand the Court are images that the defendant
25 received on or about this December 14, 2013, date, in Oak

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1 Hill -- Fayetteville -- that is, Fayette County?

2 MR. JOHNSON: Your Honor, the evidence has been
3 made available to us. I have no reason to believe that what
4 Ms. Johnston is about to hand up contains anything other
5 than what we've reviewed.

6 THE COURT: So do I understand you've not seen the
7 images?

8 MR. JOHNSON: We have seen the images, Your Honor.

9 THE COURT: You just don't know whether they are
10 the ones you've seen?

11 MR. JOHNSON: I don't know which particular sample
12 is being provided. We've viewed ample evidence, Your Honor.

13 THE COURT: And so you're satisfied that there are
14 at least six such images, and if that's the case -- correct?

15 MR. JOHNSON: Yes, Your Honor.

16 THE COURT: -- then the Court would be pleased to
17 receive them.

18 MS. JOHNSTON: Your Honor, just a couple things I
19 want to just clarify for the record; that as Mr. Taylor has
20 admitted here today, throughout the course of this
21 relationship, he knowingly received sexually explicit images
22 of the minor. The way we basically charged it and presented
23 it to the grand jury was that with -- there was one image
24 that we specifically -- we knew that he had received during
25 the course of his relationship at least six sexually

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1 explicit images.

2 The way we charged it, though, there's one specific
3 sexually explicit image which is included here in the top
4 left-hand corner. The Court will see it's IMG-9965. And
5 I've shown it to Mr. Johnson. And Mr. Johnson actually has
6 seen all six of these sexually explicit images at one point
7 in time when we've gone back and forth in working this case
8 together. So I just want to make that clear, that specific
9 image does show the lascivious exhibition of the genital
10 area of the minor in this particular case, and I'd ask that
11 all six of these be filed under seal.

12 Your Honor, one other thing --

13 THE COURT: Before you leave that, is that your
14 understanding, as well, Mr. Johnson?

15 MR. JOHNSON: Yes, Your Honor.

16 THE COURT: And yours, also, Mr. Taylor?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Excuse me. Please go ahead.

19 MS. JOHNSTON: I'm sorry, Your Honor. There's one
20 other thing I'd like to bring to the Court's attention. As
21 I look around, there doesn't appear to be anybody here other
22 than the victim's family in the courtroom and Court
23 personnel.

24 Your Honor, as you know, under the statute, 18, U.S.C.,
25 Section 3509, the government is obligated and goes to great

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1 lengths to not identify any minor. And Mr. Taylor, I'm
2 sure, did not mean to do so on purpose, but he did
3 specifically refer to the minor in this particular case, her
4 name -- her full name. The way it is charged in the
5 indictment is we say "a person known to the grand jury," and
6 in this plea agreement, it says, "Minor."

7 So I would ask that either this transcript be placed
8 under seal, or that her name -- specific name only be
9 referred to in that transcript as "GM."

10 THE COURT: As which?

11 MS. JOHNSTON: Capital "G," capital "M," and not
12 her full name be a part of that transcript.

13 THE COURT: Capital "G," capital "M."

14 MS. JOHNSTON: Yes.

15 THE COURT: I recall reference to the first name.
16 I didn't know or recall that the second was used, but
17 whatever it is, the transcript will be searched for it and
18 the name will be redacted and replaced by the initials
19 capital "G," and capital "M."

20 MS. JOHNSTON: Thank you, Your Honor.

21 May I approach?

22 THE COURT: Please.

23 Did you say "IMG" in the upper left-hand corner?

24 MS. JOHNSTON: Yes, Your Honor. It's
25 IMG-9965-PNG.

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1 THE COURT: The Court receives that image, as well
2 as the other five, and will direct that the images be
3 sealed.

4 Do the parties have any further evidence to present in
5 this matter?

6 MS. JOHNSTON: The United States does not, Your
7 Honor.

8 MR. JOHNSON: No, Your Honor.

9 BY THE COURT:

10 Q. And so I'll ask you then, Mr. Taylor, did you do the
11 acts to which you've plead guilty as more fully set forth in
12 the plea agreement in this case?

13 **A.** Yes, sir.

14 Q. And as more fully set forth in Count Two?

15 **A.** Yes, sir.

16 Q. At the time you did those acts, did you know and
17 understand and intend what you were doing?

18 **A.** I did.

19 Q. Are you pleading guilty then because you are, in fact,
20 guilty of that charged in Count Two?

21 **A.** I am.

22 Q. Do you understand all the proceedings that have taken
23 place here today?

24 A. Yes, sir.

Q. And do you wish to go forward with your plea of guilty?

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1 **A.** Yes, I do.

2 **Q.** Please be seated.

3 THE COURT: The Court finds there is a factual
4 basis for the plea, and it is entered freely and
5 voluntarily, with the full knowledge of the consequences of
6 the plea, including the possible penalty that the Court may
7 in this case impose.

8 The Court will take under consideration the question of
9 the acceptance of the plea agreement and make that decision,
10 in all likelihood, once the Court has seen the Presentence
11 Report.

12 And the Court will, of course, direct a presentence
13 investigation by the Probation Department of this Court, and
14 continues this case for sentencing until September 23, 2015,
15 at 1:30 in the afternoon.

16 Is that a satisfactory date and hour for counsel?

17 MS. JOHNSTON: Yes, Your Honor.

18 MR. JOHNSON: Yes, Your Honor.

19 THE COURT: And do the parties have anything
20 further at this time?

21 MR. JOHNSON: No, Your Honor.

22 MS. JOHNSTON: No, Your Honor.

23 THE COURT: We'll stand continued as indicated.
24 Thank you.

25 THE CLERK: All rise.

1 (Proceedings concluded at 2:37 p.m.)

2 CERTIFICATE OF OFFICIAL REPORTER

3 I, Catherine Schutte-Stant, Federal Official Realtime
4 Court Reporter, in and for the United States District Court
5 for the Southern District of West Virginia, do hereby
6 certify that, pursuant to Section 753, Title 28, United
7 States Code, the foregoing is a true and correct transcript
8 of the stenographically reported proceedings held in the
9 above-entitled matter and that the transcript page format is
10 in conformance with the regulations of the Judicial
11 Conference of the United States.

12

13 s/Catherine Schutte-Stant, RDR, CRR

14

September 25, 2020

15

Catherine Schutte-Stant, RDR, CRR
Federal Official Court Reporter

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